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REMARKS: **Serial No. 09/273,102, filed 03/19/1999.**
Attached hereto is an Appeal Brief and a Response To Notification Of Non-
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FROM: **Jonathan M. Harris, Direct Dial No. 713/238-8045**

DATE: **August 15, 2005**

CLIENT/MATTER NO. **200305105-1 (2162-13800)**

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PATENT APPLICATION

ATTORNEY DOCKET NO. 200305105-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Steven C. GLASSMAN et al.

Confirmation No.: 6616

Application No.: 09/273,102

Examiner: D. S. Felten

Filing Date: 03/19/1999

Group Art Unit: 3624

Title: ANONYMOUS PURCHASES WHILE ALLOWING VERIFIABLE IDENTITIES FOR REFUNDS
RETURNED ALONG THE PATHS TAKEN TO MAKE THE PURCHASE

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed
on 08/07/2003

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

() (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)
for the total number of months checked below:

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() two months	\$450.00
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() four months	\$1590.00

() The extension fee has already been filled in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is
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Typed Name: Jennifer Ringer

Signature: 

Respectfully submitted,

Steven C. GLASSMAN et al.

By 

Jonathan M. Harris

Attorney/Agent for Applicant(s)

Reg. No. 44,144

Date: August 15, 2005

Telephone No.: (713) 238-8045

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

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Respectfully submitted,

Steven C. GLASSMAN et al.

By Jonathan M. Harris

Jonathan M. Harris

Attorney/Agent for Applicant(s)

Reg. No. 44,144

Date: August 15, 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants:	Steven C. GLASSMAN et al.	§	Confirmation No.:	6616
		§		
		§		
Serial No.:	09/273,102	§	Group Art Unit:	3624
		§		
Filed:	03/19/1999	§	Examiner:	D. S. Felten
		§		
For:	Anonymous Purchases	§	Docket No.:	200305105-1
	While Allowing Verifiable	§		
	Identities For Refunds	§		
	Returned Along The	§		
	Paths Taken To Make	§		
	The Purchases	§		

**RESPONSE TO NOTIFICATION OF
NON-COMPLIANCE WITH 37 CFR 41.37**

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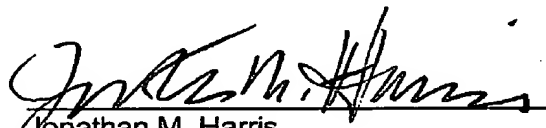
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PO Box 1450
Alexandria, VA 22313-1450

Date: August 15, 2005

Sir:

In response to the Notice Of Non-Compliance With 37 CFR 41.37 dated July 15, 2005, enclosed is a complete new Appeal Brief. As requested, the new Appeal Brief adds the indexes.

Respectfully submitted,


Jonathan M. Harris
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ATTORNEY FOR APPELLANTS

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants:	Steven C. GLASSMAN et al.	§	Confirmation No.:	6616
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Serial No.:	09/273,102	§	Group Art Unit:	3624
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	Returned Along The	§		
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	The Purchases	§		

APPEAL BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
PO Box 1450
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Date: August 15, 2005

Sir:

Appellants hereby submit this Appeal Brief in connection with the above-identified application. A Notice of Appeal was filed on August 7, 2003.

Appl. No. 09/273,102
Appeal Brief dated August 15, 2005
Reply to final Office action of April 7, 2003

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I. REAL PARTY IN INTEREST

The real party in interest is the Hewlett-Packard Company.

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II. RELATED APPEALS AND INTERFERENCES

Appellants are unaware of any related appeals or interferences.

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III. STATUS OF THE CLAIMS

Originally filed claims: 1-21.
Claim cancellations: 1, 2, 7-10, 18.
Added claim: 22.
Presently pending claims: 3-6, 11-17, 19-22.
Presently appealed claims: 3-6, 11-17, 19-22.

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IV. STATUS OF THE AMENDMENTS

Appellants did not file any amendments after the final rejection.

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V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The following summary of Appellants' contribution is provided only by way of background information to aid the Board and should not be used to limit the claims in any way. The Appellants' subject matter is generally directed to an electronic commerce apparatus and method that permits a request for a refund to be authenticated. See Appellants' Figures 1 and 2 and Disclosure page 3-13. In general, the system 100 includes a broker system 110 having a database of broker scrips 320 (Figure 3) that represent a form electronic currency. The system also may include a vendor computer system 120 (Figure 1) having a database containing products that may be exchanged for vendor scrips. Via a consumer computer system 130, a consumer may initiate transactions to obtain one or more products from the vendor computer system. Appellants' Disclosure page 5, lines 1-9.

In at least some embodiments, a consumer may purchase scrip from a broker. See Figure 6 (617). This act may include the consumer providing the broker with consumer unique identifying information. The broker hashes the consumer unique identifying information with a "nonce" (a unique string of arbitrary length generated by the broker) and stores the resulting hash in a hash subfield of the scrip. See Figure 6 (618). Further, the hash may be re-hashed with other nonces if the consumer purchases scrip with a different customer identifier and/or uses the broker scrip to purchase vendor scrip. Appellants' Disclosure page 5, line 19 through page 6, line 12 and pages 18-19.

When desired, the consumer may request a refund from a vendor by providing the scrip for which the consumer seeks the refund. See Figure 7 (710). The vendor may verify the identity of the consumer to detect a fraudulent refund request by requesting the consumer to provide identification information and a series of "nonces" that were used to create a value contained in the scrip. The vendors then uses the requested identification information and the series of nonces to produce a hash value that, for legitimate refund requests, should match a hash subfield in the scrip. See Figure 7 (712). If the two hash values match,

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the vendor determines the refund to be legitimate, otherwise the refund is deemed fraudulent. Page 19, line 22 through page 20, line 15.

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VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether pending claims 3-6, 11-17, and 19-22 are obvious over Manasse (U.S. Pat. No. 5,802,497) in view of Shiobara (U.S. Pat. No. 6,105,864).

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VII. ARGUMENT

A. The Manasse Reference

Manasse is directed to a "method of conducting computerized commerce." The method of Manasse includes providing a broker computer system having a database of broker scrips. The method of Manasse also includes providing a vendor computer system that includes a database of products which may be exchanged for broker scrips via a consumer computer system. See Abstract. The Manasse reference pertains to purchasing products with scrip and does not appear to discuss electronic refunds or authenticating an entity requesting a refund.

B. The Shiobara Reference

Shiobara discloses a system in which electronic money cards ("IC cards") can be inserted into any of a plurality of terminals 10 coupled together in a facility such as a supermarket. See col. 1, lines 5-11; col. 4, lines 38-61. Electronic money can be transferred between a customer's IC card and a terminal. The IC cards in Shiobara are not associated with any particular customer. Shiobara's system permits a customer to request a refund of electronic money. Col. 7, lines 35-63. Shiobara, however, does not disclose authenticating an entity requesting a refund.

C. The claims are patentable over the art of record.

Claim 22 is reproduced below for convenience:

22. A system comprising:
a first system for issuing scrip, the scrip including a value derived from an identification of a recipient of the scrip; and
a second system for receiving the scrip issued by the first system from a party seeking a refund and issuing a refund in response thereto, the second system further adapted to receive from the party seeking the refund the identification of the recipient of the scrip and information enabling transformation of the identification of the recipient of the scrip into the value derived from the identification of the recipient of the scrip, and
to utilize the received information to verify that the party seeking the refund is the recipient of the scrip.

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Claim 22 requires, among other limitations, that the second system utilizes "the received information to verify that the party seeking the refund is the recipient of the scrip." Neither Shiobara nor Manasse teach or even suggest this feature. Manasse is not even directed to refunds, much less verifying that the party seeking a refund is the recipient of the scrip. Shiobara discusses refunds in Figure 4 and col. 7, lines 35-63, but does not mention verifying the party seeking the refund. Further, in the April 7, 2003 Office Action page 3, the Examiner does not identify any specific teaching in Shiobara or Manasse for this limitation and thus appears to have completely ignored a claim limitation. At least for these reasons, Appellants respectfully submit that the Examiner erred in rejecting claim 22.

Claim 22 also requires scrip that includes "a value derived from an identification of a recipient of the scrip." The Examiner appears to have relied on Manasse for this limitation. "Manasse discloses a code 412 on a scrip that uniquely identifies the generator of the scrip...." In claim 22 the "value" is derived from an identification of the scrip's recipient, while, according to the Examiner, Manasse refers to a code that identifies the generator of the scrip (i.e., not the scrip's recipient). Thus, the Examiner failed to find this claim limitation in the art of record. Needless to say, Appellants do not find the missing limitation in Manasse or Shiobara. At least for these additional reasons, the Examiner erred in rejecting claim 22.

Claim 22 also requires the second system being adapted to receive "information enabling transformation of the identification of the recipient of the scrip into the value derived from the identification of the recipient of the scrip." Appellants do not find this limitation in Shiobara or Manasse. Further, the Examiner failed to identify any teaching in Shiobara or Manasse for this limitation and thus appears to have completely ignored a claim limitation. See Office Action page 3. For yet these additional reasons, Appellants respectfully submit that the Examiner erred in rejecting claim 22.

The Examiner also erred in combining Shiobara with Manasse to reject claim 22. As the Federal Circuit has stated, "[o]ur case law makes clear that the

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best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references." *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). Further, "[t]he mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." *In re Fritch*, 972 F.2d 1260, 1266 (Fed. Cir. 1992).

The Examiner's stated reason for combining Shiobara and Manasse is as follows:

It would have been obvious for an artisan at the time of the invention to integrate the code and serial number [of Manasse] into the Shiobara ID because an artisan at the time of the invention would have found the security of further providing both parties convenient in the management of electronic money between terminals along with providing an adjusted balance (see Shiobara col. 1, ll. 44+). Thus such a modification would have been an obvious expedient well within the ordinary skill in the art.

Appellants have trouble understanding the Examiner's above stated reason to support the combination of Shiobara and Manasse. The Examiner seems to refer to the combination of Shiobara and Manasse as being "convenient" and thus, Appellants assume the Examiner's point is that combining the references together would make managing electronic money more convenient. Appellants are unaware of any case law holding that convenience is a proper basis for combining references in an obviousness analysis. For this additional reason, the Examiner erred in rejecting claim 22.¹

Claim 11 is as follows:

11. A method of providing a refund in an electronic commerce system, comprising the steps of:
- receiving, by a second party from a first party, electronic currency for which the first party seeks a refund, wherein the electronic currency includes a first value derived from information identifying the first party and wherein the second party is unable to identify the first party with the first value;

¹ The Examiner also combined Manasse and Shiobara to conclude that independent claim 11 is obvious as well. Appellants' argument regarding a lack of a sufficient motivation to combine the references thus also applies to claim 11.

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receiving, by the second party from the first party, the information identifying the first party and instructions for deriving the first value from the identifying information;
using, by the second party, the instructions for deriving the first value from the identifying information to derive a second value from the provided information identifying the first party;
comparing, by the second party, the second value with the first value; and
enabling, by the second party, a refund for the electronic currency if the first value matches the second value.

Claim 11 requires, among other limitations, "comparing...the second value with the first value" and "enabling...a refund for the electronic currency if the first value matches the second value." As explained above, Manasse is not related to refunds. Further, Shiobara does not teach or suggest comparing two values together and enabling a refund if the two values match. As shown in Figure 4 of Shiobara, if a refund instruction is determined at step S103, the refund operation passes to step S107 in which electronic money is moved. Clearly, no condition is placed on whether the refund is to occur. The Examiner did not identify any teaching or suggestion from the art of record for this claim feature. See April 7, 2003 Office Action, page 3. For at least these reasons, the Examiner erred in rejecting claim 11.

Claim 11 also requires "receiving...the information identifying the first party and instructions for deriving the first value from the identifying information" and "using...the instructions for deriving the first value from the identifying information to derive a second value from the provided identifying the first party." The Examiner seems to have glossed over these limitations and did not identify any teaching or suggestion from Manasse or Shiobara for this combination of limitations. Appellants believe that neither Manasse nor Shiobara disclose this combination of limitations. For at least these additional reasons, the Examiner erred in rejecting claim 11.

Claim 11 further requires the electronic currency received by the second party to include "a first value derived from information identifying the first party and wherein the second party is unable to identify the first party with the first value." The Examiner observed that "Shiobara discloses a terminal device

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wherein an ID is set with the data (refer to fig. 2)" and that "Manasse discloses a code 412 on a scrip that uniquely identifies the generator of the scrip and a serial number 418 which uniquely identifies the scrip...." April 7, 2003 Office Action, page 3. The ID to which the Examiner refers in Figure 2 of Shiobara is described as being an "address" of a terminal device. Shiobara col. 5, lines 7-11. As such, Shiobara's "ID" is not a value derived from information identifying a party. The Examiner contends that Manasse's code 412 uniquely identifies the generator of the scrip. However, claim 11 requires the "first value" to comprise a value that is derived from information identifying the first party and, as claimed, the first party seeks the refund. Because Manasse is not directed to refunds, Manasse's code 412 cannot be viewed as the claimed "first value." The Examiner also referred to Manasse's serial number 418 that uniquely identifies the scrip. A serial number that identifies the scrip is not akin to a "first value" that is "derived from information identifying the first party." Thus, the art of record does not teach or suggest the claimed "first value." For this additional reason, the Examiner erred in rejecting claim 11.

Claim 17 is as follows:

17. A computer readable medium having computer instructions encoded thereon for directing a computer system to provide a refund in an electronic commerce system, the computer instructions comprising instructions for:
- receiving a request to refund electronic currency, the electronic currency including a value identifying the party to whom the currency was issued;
 - receiving, from the party seeking the refund, identifying information identifying the party seeking the refund and values for transforming the information identifying the party seeking the refund into the value identifying the party to whom the currency was issued;
 - utilizing the received values to verify that the received identifying information matches the value in the electronic currency identifying the party to whom the electronic currency was issued; and
 - responsive to a positive verification, entitling the party to whom the electronic currency was issued to a refund for the electronic currency.

Claim 17 requires, among other limitations, "receiving...identifying information identifying the party seeking the refund and values for transforming

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the information identifying the party seeking the refund into the value identifying the party to whom the currency was issued." Appellants do not find this limitation in Shiobara or Manasse. With regard to claim 17, the Examiner acknowledged that Shiobara does not disclose receiving "values for transforming the information identifying the party" as claimed. See Office Action page 3. Manasse is not related to refunds and thus cannot be useful to satisfy the missing feature of Shiobara. At least for these reasons, Appellants respectfully submit that the Examiner erred in rejecting claim 17.

Claim 17 further requires "utilizing the received values to verify that the received identifying information matches the value in the electronic currency identifying the party to whom the electronic currency was issued." As explained above, none of the art of record teaches or suggests this feature. Shiobara does not teach verifying the authenticity of a refund request in any way and Manasse does not disclose electronic currency refunds. Even the Examiner apparently was unable to find a teaching of this feature in the art of record. See Office Action, pages 3-4. At least for these reasons, the Examiner erred in rejecting claim 17.

Claim 17 also requires "responsive to a positive verification, entitling the party to whom the electronic currency was issued to a refund for the electronic currency." As stated, Manasse does not disclose refunds and Shiobara does not base entitling a party to a refund based upon a positive verification as claimed. In fact, even the Examiner admitted that "Shiobara does not disclose the electronic currency including a value identifying the party [to, sic] whom the currency was issued; and values for transforming the information identifying the party seeking the refund... ." Office Action, pages 3-4. Because, according to the Examiner, Shiobara does not disclose the above-stated features and Manasse is not directed to refunds, the Examiner should not have rejected claim 17 which entitles a party to a refund in response to a positive verification. For this additional reason, the Examiner erred in rejecting claim 17.

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VIII. CONCLUSION

For any or all of the preceding reasons, Appellants respectfully contend that the Examiner erred in rejecting independent claims 11 and 22. All claims that depend on or from claims 11 and 22 are patentable for at least the reasons provided herein regarding claims 11 and 22. Independent claim 17

It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



Jonathan M. Harris
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Fort Collins, CO 80527-2400

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IX. CLAIMS APPENDIX

1.-2. (Canceled).

3. (Previously presented) The system of claim 22, wherein the recipient of the scrip is adapted to store one or more nonces utilized to create the value derived from an identification of the recipient of the scrip.

4. (Previously presented) The system of claim 22, wherein the first system is adapted to receive the identification of the recipient of the scrip prior to issuing the scrip to the recipient.

5. (Previously presented) The system of claim 4, wherein the first system is further adapted to hash the identification of the recipient of the scrip with a nonce and store the hash in the issued scrip as the value derived from the recipient of the scrip.

6. (Previously presented) The system of claim 5, wherein the received information identifying the recipient of the scrip is a hash of identifying information with a second nonce.

7.-10. (Canceled).

11. (Previously presented) A method of providing a refund in an electronic commerce system, comprising the steps of:

receiving, by a second party from a first party, electronic currency for which the first party seeks a refund, wherein the electronic currency includes a first value derived from information identifying the first party and wherein the second party is unable to identify the first party with the first value;

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receiving, by the second party from the first party, the information identifying the first party and instructions for deriving the first value from the identifying information;
using, by the second party, the instructions for deriving the first value from the identifying information to derive a second value from the provided identifying the first party;
comparing, by the second party, the second value with the first value; and
enabling, by the second party, a refund for the electronic currency if the first value matches the second value.

12. (Original) The method of claim 11, wherein the step of receiving the information identifying the first party and instructions for deriving the first value from the identifying information comprises the steps of:

receiving, by the second party, information uniquely identifying the first party; and
receiving, by second party, at least one nonce with which the information uniquely identifying the first party is hashed to produce the second value.

13. (Original) The method of claim 11, wherein the information identifying the first party includes a predetermined value.

14. (Original) The method of claim 13, wherein the predetermined value is a text string.

15. (Original) The method of claim 11, further comprising the steps of:
issuing, by the second party to the first party, a refund coupon entitling the first party to a refund for the electronic currency.

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16. (Original) The method of claim 15, further comprising the steps of:
receiving, by a third party from the first party, the refund coupon and the
currency for which the first party seeks a refund;
receiving, by the third party from the first party, an identification value for
currency previously issued by the third party; and
issuing, by the third party to the first party, electronic currency having the
identification value.
17. (Previously presented) A computer readable medium having computer
instructions encoded thereon for directing a computer system to provide a refund
in an electronic commerce system, the computer instructions comprising
instructions for:
receiving a request to refund electronic currency, the electronic currency
including a value identifying the party to whom the currency was
issued;
receiving, from the party seeking the refund, identifying information
identifying the party seeking the refund and values for transforming
the information identifying the party seeking the refund into the
value identifying the party to whom the currency was issued;
utilizing the received values to verify that the received identifying
information matches the value in the electronic currency identifying
the party to whom the electronic currency was issued; and
responsive to a positive verification, entitling the party to whom the
electronic currency was issued to a refund for the electronic
currency.
18. (Canceled).
19. (Previously presented) The computer readable medium of claim 17,
wherein the instructions for receiving values comprise instructions for:

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receiving one or more nonces with which the information identifying the party seeking the refund is hashed to produce the value identifying the party to whom the currency was issued.

20. (Original) The computer readable medium of claim 17, wherein the instructions for entitling the party to whom the currency was issued to a refund for the electronic currency comprise instructions for:

issuing a refund coupon to the party seeking the refund;

wherein the party seeking the refund can use the refund coupon to refund the electronic currency at a party who issued the electronic currency.

21. (Previously presented) The computer readable medium of claim 17 further comprising instructions for:

receiving electronic currency containing a first value identifying the party to whom the currency was issued;

hashing the first value with a nonce to form a second value identifying the party to whom the currency was issued; and

issuing electronic currency incorporating the second value; wherein the received request to refund electronic currency comprises a request to refund the electronic currency incorporating the second value.

22. (Previously presented) A system comprising:

a first system for issuing scrip, the scrip including a value derived from an identification of a recipient of the scrip; and

a second system for receiving the scrip issued by the first system from a party seeking a refund and issuing a refund in response thereto, the second system further adapted to receive from the party seeking the refund the identification of the recipient of the scrip and information enabling transformation of the identification of the

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recipient of the scrip into the value derived from the identification of
the recipient of the scrip, and
to utilize the received information to verify that the party seeking the refund
is the recipient of the scrip.

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X. EVIDENCE APPENDIX

None.

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XI. RELATED PROCEEDINGS APPENDIX

None.